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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 JENNIFER KIRK, an individual, on her own
18 behalf and on behalf of all others similarly
situated,

19 Plaintiff,

20 v.

21 TARGET CORPORATION, a Minnesota
22 Corporation; and DOES 1-10,

23 Defendants.

Case No. 3:13-cv-05885-SC

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER TO STAY ACTION
PENDING JPML DECISION**

[N.D. CAL. CIVIL L.R. 7-12]

Ctrm: 1
Judge: Hon. Samuel Conti

Complaint Filed: Dec. 19, 2013
Trial Date: None Set

Initial CMC: March 21, 2014

STIPULATION TO STAY

WHEREAS plaintiff Jennifer Kirk filed the complaint in the above-captioned action against Defendant Target Corporation (“Target”) on December 19, 2013 (“Complaint”);

WHEREAS Target has identified at least 80 actions asserting substantially similar allegations against Target pending in courts across the country;

WHEREAS there have been numerous petitions submitted to the Judicial Panel on Multidistrict Litigation (“JPML”) to consolidate these cases into a single multidistrict litigation (“MDL”);

WHEREAS the parties expect that this action, along with the other similar actions, will be consolidated into an MDL, and that the JPML will also decide where the cases will be transferred as an MDL;

WHEREAS this action has only just commenced and there has been little activity in the case;

WHEREAS this Court has the inherent power to grant a stay, especially in circumstances such as here, where doing so would promote judicial economy and avoid prejudice to the parties, *see, e.g., Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936); *McVicar v. Goodman Global Inc.*, No. SACV 13–1223–DOC (RNBx), 2013 WL 6212149, at *2 (C.D. Cal., Nov. 25, 2013) (staying action pending JPML decision);

WHEREAS absent a stay, the Court and the parties would face case management obligations and deadlines and, in light of the likelihood that there will be an MDL consolidating these actions for the purpose of pretrial proceedings, a stay is necessary and prudent to avoid duplication of pretrial efforts by the parties, any waste of judicial resources, and the risk conflicting rulings;

WHEREAS the parties have met and conferred and agree that this action should be stayed pending a decision by the JPML regarding the MDL Number 2522;

NOW, THEREFORE, the parties hereby stipulate and request that the Court enter an order that:

- ²⁸ 1. This action is otherwise STAYED pending the decision of the JPML in *In re Target*.

Corp. Customer Data Security Breach Litig., MDL No. 2522;

2. Defendant's Motion to Stay Proceedings Pending JPML Consideration or in the Alternative Motion for Enlargement of Time to Respond to Complaint, (ECF No. 17), is WITHDRAWN;

3. All deadlines, including defendant's obligation to respond to the Complaint, are VACATED until further order of the Court;

4. The parties shall notify the Court of the JPML's decision within 10 days of the decision if the Court is not otherwise notified.

Dated: February 26, 2014

MORRISON & FOERSTER LLP

By: /s/ David F. McDowell
DAVID F. MCDOWELL

Atorneys for Defendant
TARGET CORPORATION

Dated: February 26, 2014

AHDOOT & WOLFSON, APC

By: /s/ Robert Ahdoot
ROBERT AHDOOT

Attorneys for Plaintiff
JENNIFER KIRK

ATTESTATION OF FILER

I, David F. McDowell, hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. *See* Civ. L.R. 5-1(i)(3).

Dated: February 26, 2014

By: /s/ David F. McDowell
David F. McDowell
MORRISON & FOERSTER LLP

ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO
ORDERED.

Dated: 03/03/2014

sf-3388382

